REMARKS/ARGUMENTS

Reconsideration of the present application, as amended, is respectfully requested.

The April 7, 2004 Office Action and the Examiner's comments have been carefully considered. In response, claims are cancelled and amended, and remarks are set forth below in a sincere effort to place the present application in form for allowance. The amendments are supported by the application as originally filed. Therefore, no new matter is added.

EXAMINER'S REQUEST

In the Office Action the Examiner indicates that one of the two serial numbers identified on the cover pages of the Amendments faxed March 9, 2004 and March 24, 2004 include a typographical error. This has been discussed with the Examiner and is acknowledged. The Examiner has requested that a supplemental copy of the Amendment dated March 24, 2004 be provided since the faxed copy provided to the Patent Office is not legible. In accordance with the Examiner's request, enclosed herewith is a supplemental copy of the Amendment dated March 24, 2004.

PRIORITY CLAIM

In item 12 of the Office Action Summary (Form PTOL-326), the Examiner indicates that the priority documents have not been received. However, the transmittal for the present divisional application clearly states that the priority document was filed in the parent application. In view of the foregoing, the Examiner is respectfully requested to acknowledge that certified copies of all of the priority documents have been received in parent Application Serial No. 09/907,192 to perfect the priority claim under 35 USC 119 for the present application.

CLAIM AMENDMENTS

Claim 12 is amended to more clearly define the present claimed invention over the cited references. Support for the amendments to claim 12 can be found in the application as originally filed (see for example, page 23, line 12 - page 24, line 5 and Figure 3). The dependency of claim 15 has been changed from "14" to -- 12 --, the dependency of claim 17 has been changed from "13" to -- 12 -- and the dependency of claim 18 has been changed from "14" to -- 12 --.

PRIOR ART REJECTIONS

In the Office Action claims 12, 13 and 17 are rejected under 35 USC 103 as being unpatentable over USP 5,200,863 (Orii) in view of USP 5,923,367 (Tsunekawa et al.). Claims 14, 16 and 18 are rejected under 35 USC 103 as being unpatentable over Orii. Claim 15 is rejected under 35 USC 103 as being unpatentable over Orii and further in view of USP 5,682,558 (Kirigaya et al.). Claim 19 is rejected under 35 USC 103 as being unpatentable over Orii in view of JP407261067A (Shimokawa).

The present claimed invention as defined by independent claim 12 is directed to an electronic image pickup apparatus which includes a housing which houses a finder unit, an electronic image pickup unit and an image display device, and which is provided with an image display device operating member used to operate the image display device on an outer surface thereof. An eyepiece window of the finder unit is located on a rear surface area, in which an image display screen of the image display device is exposed, in the outer surface of the housing. The eyepiece window is also located above the image display screen of the image display device on the rear surface area. The end portion of the housing, which is located on a right side of the image display screen on the outer surface of the housing, is configured to be held by the right hand of a user. The image

display device operating member is located on the right side of the image display screen of the image display device on the rear surface area such that the image display device operating member is operable by the thumb of the right hand of the user that holds the right end portion of the housing.

In rejecting claim 12 the Examiner relies on the teachings and disclosure of Orii in view of Tsunekawa et al.

Fig. 2 of Orii discloses an electronic image pickup apparatus including a housing 11 which houses a finder unit, an electronic image pickup unit, and an image display device. An eyepiece window 15 of the finder unit is located in a rear surface area of the outer surface of the housing 11, and an image display screen 18 of the image display device is located on the rear surface area of the outer surface of the housing 11. The eyepiece window 15 is located above the image display screen 18.

Orii does not, however, disclose, teach or suggest that the image display device operating member is located on the right side of the image display screen 18 on the outer surface of the housing 11 of the electronic image pickup apparatus.

Fig. 16 of Tsunekawa et al. teaches that the image display device operating member 566 is located in the center portion of the upper surface of the housing 563 of the electronic image pickup apparatus. However, it is difficult to operate the image

display device operating member 566 of Tsunekawa et al. with any finger, particularly the thumb, of a user's right hand which holds the right side portion of the housing 563.

Tsunekawa et al. do not disclose, teach or suggest operating the image display device operating member 566 by any finger, particularly the thumb, of a user's right hand which holds the right side portion of the housing 563. Therefore, even if the image display device operating member 566 of Tsunekawa et al. is combined with the housing 11 of Orii, the image display device operating member 566 of Tsunekawa et al. would be located in the center portion of the upper surface of the housing 11 of Orii. If the teachings of the disclosures are combined, it will still be difficult to operate the image display device operating member 566 of Tsunekawa et al. (which is located in the center portion of the upper surface of the housing 11 of Orii) by any finger, particularly the thumb of a user's right hand which holds the right side portion of the housing 11 of Orii.

The user of the electronic image pickup apparatus of Orii cannot satisfactorily view the image display device operating member 566 of Tsunekawa et al. which is located in the center portion of the upper surface of the housing 11 of Orii while looking at the image shown in the image display screen 18 located on the rear outer surface area of the housing 11 of Orii.

Therefore, operation of the image display device operating member 566 is complicated, and it is likely that the user would make a mistake when operating the image display device operating member 566.

However, in the electronic image pickup apparatus recited in amended independent claim 12, the image display device operating member is located on the right side of the image display screen of the image display device on the rear outer surface area of the housing. Thus, a user can control the image display device operating member by using the thumb of his hand which holds the end portion located on the right side of the image display screen of the image display device on the outer surface of the housing.

Therefore, in the electronic image pickup apparatus recited in the amended independent claim 12, a user can satisfactorily view the image display device operating member on the rear outer surface of the housing while looking at the image shown in the image display screen on the rear outer surface area of the housing. Thus, operation of the image display device operating member is easier, and it is less likely that a user will make a mistake when operating the image display device operating member.

As is clear from the above, the structure of the electronic image pickup apparatus recited in amended independent claim 12 cannot be obtained even by combining the image display device

operating member of Tsunekawa et al. with the housing of the electronic image pickup apparatus of Orii.

None of the other references of record close the gap between the present claimed invention as defined by claim 12 and Orii taken in combination with Tsunekawa et al.

That is, the present claimed invention as defined by claim 12 is patentable over the cited references, even when taken in combination, because the references do not disclose, teach or suggest, *inter alia*:

> the eyepiece window is also located above the image display screen of the image display device on the rear surface area,
>
> the end portion of the housing, which is located in a right side of the image display screen on the outer surface of the housing, is configured to be held by the right hand of a user, and
>
> the image display device operating member is located in the right side of the image display screen of the image display device on the rear surface area such that the image display device operating member is operable by the thumb of the right hand of the user that holds the right end portion of the housing (see claim 12, lines 9-22).

Claims 13, 15, 17 and 18, as amended, are either directly or indirectly dependent on claim 12 and are patentable over the cited references in view of their dependence on claim 12 and because the references of record do not disclose, teach or suggest each of the limitations set forth in claims 13, 15, 17 and 18.

In view of all of the foregoing, claims 12, 13, 15, 17 and 18 are in form for immediate allowance, which action is earnestly solicited.

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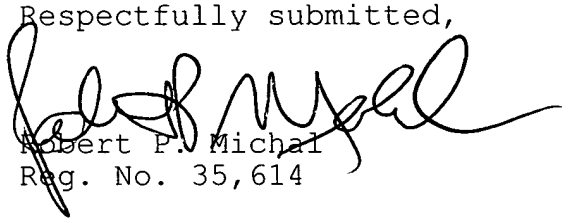
Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner disagrees with any of the foregoing, the Examiner is respectfully requested to point out where there is support for a contrary view.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



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Encl.: Petition for Extension of Time
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